



WISCONSIN REGULATORY DIGEST

A Publication of the NURSING HOME ADMINISTRATOR EXAMINING BOARD

Volume 9, No. 2

November, 1998

Governor Thompson's Board Member Appointments

Anita Genrich

Ms. Genrich's term ended on June 30, 1998, but she continued to serve as a board member until August 31, 1998. She was initially appointed to the board on July 1, 1990. We thank Anita for her many years of service.

Judith A. Wheeler

Ms. Wheeler's term ended on June 30, 1998, but she continued to serve as a board member until September 8, 1998. She was initially appointed to the board on July 1, 1990. We thank Judy for her many years of service.

NURSING HOME ADMINISTRATOR EXAMINING BOARD

Members of the Board:

Shirley Keller, Chair (Mt. Horeb)
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Phyllis Tschumper (Madison)

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Marlene A. Cummings, Secretary
Patricia McCormack, Deputy Secretary
Myra Shelton, Executive Assistant

Jerry Schallock

Governor Tommy Thompson appointed Mr. Schallock to the board on August 25, 1998. Mr. Schallock is a nursing home administrator at Petersen Health Care of Wisconsin, Inc., in Rhineland, Wisconsin.

Patricia A. Schulz

Governor Tommy Thompson appointed Ms. Schulz to the board on August 25, 1998. Ms. Schulz is a nursing home administrator at Heritage Manor in Elroy, Wisconsin.

Legislative Changes

1997 Wis. Act 139: Under the new law, effective May 5, 1998, examining boards, the department, and other regulatory authorities are authorized to issue administrative warnings. An administrative warning may be issued to close an investigation if a regulatory authority determines that no further action is warranted because the complaint involves a first occurrence of a minor violation and the warning protects the public.

An administrative warning puts the professional on notice that if the misconduct is repeated, the incident that was the basis for the warning can be used to prove that the person warned knew the conduct was prohibited. A warning is not discipline.

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and may be issued without a formal complaint or a hearing. The contents of the warning shall be private and confidential.

A credential holder may have a warning reviewed before the department or board that issued the warning. The act requires the department to promulgate rules establishing uniform procedures for administrative warnings. 1997 Wis. Act 139 is available from the department or can be viewed on the Internet at <<http://www.legis.state.wi.us/billtext/acts/97acts.html>>

1997 Wis. Act 191: In April 1998, legislation was enacted which provides for suspension of credentials for failure to pay family support or for failure to comply with a subpoena or warrant related to paternity or support proceedings. The determination of failure to pay family support or failure to comply with a warrant or subpoena will be made by county support agencies or the Department of Workforce Development.

The Department of Workforce Development, after proper notice and provision for hearing, will certify to the Department of Regulation and Licensing that a professional who holds a credential issued by the department, or who is applying for a credential is delinquent in support or has failed to comply with a subpoena or warrant. The department then shall restrict, limit or suspend a credential or deny an application for an initial credential or for renewal of a credential. The credential will remain restricted, limited or suspended until the department receives notification of release from the Department of Workforce Development. However, credentials shall not be sanctioned for more than five years, if instituted because of delinquency in support, or for more than six months, if instituted for failure to comply with a subpoena or warrant. This act became effective in April 1998. 1997 Wis. Act 191 is available in most public libraries and can be viewed on the Internet at <<http://www.legis.state.wi.us/billtext/acts/97acts.html>>

Also, the new Family Support Collection Act requires the Department of Regulation and Licensing to collect social security numbers from all individuals who apply for new credentials. Applications from individuals who do not submit their social security number will be denied. The social security numbers collected may be disclosed only to the Department of Workforce Development for the purpose of enforcing the Family Support Collection Act, or the Department of Revenue for the purpose of checking for tax delinquencies.

1997 Wis. Act 237: Since 1996, the law has required the department to verify that applicants for

credential renewal are not delinquent in payment of Wisconsin state taxes. The department is required to deny renewal if the Department of Revenue certifies that an applicant is tax delinquent.

Effective January 1, 1999, the scope of the law will expand to apply to other state agencies, including the Department of Transportation and the Department of Natural Resources. The law will also change to include applicants for new licenses and current credential holders. After January 1, 1999, the Department of Regulation and Licensing is required to deny an application for an initial credential if the applicant is certified by the Department of Revenue as being liable for delinquent state taxes. The Department of Regulation and Licensing will also be required to revoke the credential of current credential holders who are tax delinquent.

A person denied or revoked because of a tax delinquency status may request the Department of Revenue to review the certificate of tax delinquency at a hearing.

The text of the new law is in 1997 Wis. Act 237 at section 307 and sections 532-551. Act 237 is available at most public libraries and can be viewed on the Internet at <<http://www.legis.state.wi.us/billtext/acts/97acts.html>>

New Caregiver Law

As of October 1, 1998, Wisconsin began conducting more stringent checks of the background of persons who provide care for others or have access to people who receive care. Beginning this date background checks will be mandatory for all persons who seek to be employed in the caregiving industry and for all persons who want to obtain or renew a license issued by the Department of Health and Family Services (DHFS) to those who provide care. By October 1, 1999, all existing employees, contractors and license holders must have fulfilled the caregiver background check requirements.

No doubt nursing home administrators have geared up for this new requirement and have systems in place for carrying it out. The Department of Regulation and Licensing will be working hand in hand with the Wisconsin Department of Health and Family Services and the Wisconsin Department of Justice in checking criminal and licensing histories.

We assume that you received the announcement of August 1998, prepared by DHFS. Hopefully, you have carefully studied the sections containing information about frequently-asked questions, new requirements at a glance, crimes that permanently bar employment or licensure and crimes that may bar employment or licensure by DHFS.

Your contact for obtaining a background check is DHFS. Do not call any of the boards in the Department of Regulation and Licensing. Note the following numbers: Question Line Fax number: 608-267-0352; Investigation Questions: 608-261-7650; Rehabilitation Review Questions: 608-266-8428. Also, refer to DHFS Web site: www.dhfs.state.wi.us.

NAB Degree Requirement

The National Association of Boards of Examiners of Long Term Care Administrators (NAB) has voted to require all candidates for the licensing exam to have a baccalaureate degree as a minimum education requirement to sit for the exam by June 30, 2001.

The NAB's exam provider, Professional Examination Service, has noted in its annual report that exam candidates with a baccalaureate degree scored nearly nine points higher than those with a high school diploma. High school graduates averaged a score of 109.99, while candidates with a bachelor's degree scored 118.90 on average. Wisconsin is currently one of only a handful of states whose statutes do not require a bachelor's degree for licensure.

Karen Davis-Robinson represented the Nursing Home Administrator Examining Board at the NAB Annual Meeting in June 1998.

Board Requests Legislative Draft

The Nursing Home Administrator Examining Board has requested a Legislative Reference Bureau bill draft, relating to a proposal which has been in the works for quite a number of years. The proposal would require that a person must have a bachelor's degree from an accredited college or university and satisfy certain supervised practical experience requirements before the person may take the licensing examination. The proposal would also require the board to promulgate rules which require a supervised practical experience requirement of at least 2,000 hours in an internship or administrator-in-training program. The 2,000 hours would have to be completed in any consecutive 3-year period within the 5-year period immediately preceding the date of application for the exam. A bill draft will be prepared for the 1999-2000 Legislature.

Computer-Administered NAB Exam

The NAB has voted to administer licensing exams by computer, starting in 2000. The advantages of computer-administered exams are: enhanced exam security, and candidates are able to schedule the exam at their convenience at a large number of available sites. The fees for computer-administered exams are usually a bit higher; however, candidates do not mind paying more for better service.

Continuing Education Information

The next NHA renewal is July 1, 2000. Twenty-four hours of Board-approved continuing education credits are required. Continuing education programs must be approved by the NAB. Remember to keep your records, unless they are requested by the department. Records should be kept for at least 5 years.

Licensees are not required to send in certificates of completion; however, they must sign a statement on the back of the renewal application that they have taken continuing education courses. Disciplinary action usually follows a finding of untruthfulness on an application form.

Enforcement Statistics

Complaints Received Against Nursing Home Administrators

YEAR	#	YEAR	#	YEAR	#
1977	7	1985	19	1993	70
1978	6	1986	18	1994	25
1979	10	1987	7	1995	23
1980	14	1988	16	1996	26
1981	18	1989	20	1997	35
1982	12	1990	12	1998	29
1983	22	1991	20		
1984	11	1992	20		

Disciplinary Actions

BRUCE SCHLEI

VULCAN MI

SUSPENDED

Continued to operate a nurse aide training program after the withdrawal of approval for that program. Such conduct constitutes improper administration of a nursing home. Suspended 8/20-26/98. Pay costs of \$5,000. Effective 8/20/98. Sec. 456.10(1)(a), Stats. Case #LS9801151NHA

WAYNE BROW

FOX POINT WI

REPRIMAND

Failure to promptly report the allegations of abuse or violations of nursing home residents' rights he knew about to the Board of Nursing in accordance with s. HSS 132.31(6)(c). Pay costs of \$500. Effective 6/22/98. Sec. 456.10(1)(b), Stats. Case #LS9806221NHA

Licensing Statistics

As of 6-30-95: 1,130

As of 6-30-97: 1,214

As of 10-6-97: 1,004

Department of Regulation and Licensing
Nursing Home Administrator
Examining Board
P.O. Box 8935
Madison, WI 53708-8935

REGULATORY DIGEST

Bulk Rate
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RETURN SERVICE REQUESTED

Telephones

The Division of Business Licensure & Regulation has a menu telephone system which is designed to more efficiently direct the caller to the appropriate section. The telephone number for staff is:

(608) 266-5511

After dialing this number you are asked to press various menu choices. For the following requests, please press numbers as noted:

Application Forms	Press 11
Complaints Against Licensees	Press 12
Verification of Licensure and	
Name/Address Changes/Renewal	Press 21
Practice Questions	Press 42
Application Processing & Requirements	Press 42
FAX Number 608-267-3816	

Verifications

Requests for verifications to other states must be in writing. The cost is \$10. Please make out check or money order to the Department of Regulation and Licensing.

Board Meeting Dates

12/16/98, 2/18/99, 4/29/99, 6/17/99, 8/20/99, 10/15/99, 12/16/99

All meetings are held at 1400 E. Washington Ave., Madison, WI, and are open to the public and subject to cancellation without notice. Please call to confirm dates.

Visit the Department's Web Site

<http://badger.state.wi.us/agencies/drl/>
Send comments to dorl@mail.state.wi.us

Digests on Website

See Web site for past issues of the Regulatory Digest.

Wisconsin Statutes and Code

Copies of the Nursing Home Administrator Examining Board's Statutes and Administrative Codes can be ordered from the Department. Include your name, address, county and a check payable to the Department of Regulation and Licensing in the amount of \$5.28. The latest edition is dated July, 1998.

Change of Name or Address?

Please photocopy the mailing label of this digest, make changes in name or address, and return it to the Department. Confirmation of changes are not automatically provided.

WIS. STATS. S. 440.11 ALLOWS FOR A \$50 PENALTY TO BE IMPOSED WHEN CHANGES ARE NOT REPORTED WITHIN 30 DAYS.

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